IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 32380 of 2006(D)

PETITIONERS:
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1. PONNAMMA (W/O.LATE GOPALACHARY),
   KUZHIVILA THEKKATHIL VEEDU, KUDIKODU,
   NEDUMONKAVU P.O.

2. RAVEENDRANATHAN.K.,
   RAMANMANGALATHU VEEDU, KUDIKKODU,
   NEDUMONKAVU P.O.

3. BHAVANY.K.,
   UDIKKODUPUTHEN VEEDU, KUDIKODU,
   NEDUMONKAVU.

4. LAILA BEEVI,
   W/O.SHAHUL HAMEED ABDULSALAM,
   PALLITHAZHATHU VEEDU, NEDUPANA.

5. K.MURALEEDHARAN,
   THOTTUMPURATHU VEEDU,
   M.S.MANDIRAM, KAREEPRA, NEDUMONKAVU P.O.

6. KUTTANPILLAI,
   THENGAZHIKATU VEEDU,
   MADATHAKODU, KAREEPRA, NEDUMONKAVU P.O.,
   KOLLAM.

7. S.LALITHAMMA,
   THAVEEDU, MURUTHEL CHERRY,
   PREEJABHAVAN, KUDIKODU, KAREEPRA.

8. SARASWATHY AMMA,
   VAROORVEEDU, MADTHACODU,
   NELLIMUKKU P.O.

   BY ADV. SRI. PRATHEESH.P

RESPONDENTS:
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1. STATE OF KERALA,
   REPRESENTED BY THE PRINCIPAL SECRETARY,
   FINANCE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   COLLECTORATE, KOLLAM.

3. THE SPECIAL TAHSILDAR (L.A.),
   K.I.P.XI, KOTTIYAM, KOLLAM.

   BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

Ext. P1	:	TRUE COPY OF THE JUDGMENT OF THE PRINCIPAL SUB COURT , KOTTARAKKARA DATED 23.06.2004 IN LAR NOS. 88/91 AND 89/91.
Ext. P2(a)	:	TRUE COPY OF APPLICATION FILED BY THE 1ST PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 03.09.2004.
Ext. P2(b)	:	TRUE COPY OF APPLICATION FILED BY THE 2ND PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 03.09.2004.
Ext. P2(c)	:	TRUE COPY OF APPLICATION FILED BY THE 3RD PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 10.11.2004.
Ext. P2(d)	:	TRUE COPY OF APPLICATION FILED BY THE 4TH PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 09.11.2004.
Ext. P2(e)	:	TRUE COPY OF APPLICATION FILED BY THE 5th PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 02.09.2004.
Ext. P2(f)	:	TRUE COPY OF APPLICATION FILED BY THE 6TH PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 10.11.2004.
Ext. P2(g)	:	TRUE COPY OF APPLICATION FILED BY THE 7TH PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 09.11.2004.
Ext. P2(h)	:	TRUE COPY OF APPLICATION FILED BY THE 8TH PETITIONER UNDER SECTION 28(A) OF THE LAND ACQUISITION ACT DATED 10.11.2004.

/true copy/

P.A. TO JUDGE

K.T. SANKARAN, J.

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W.P.(C) No. 32380 OF 2006

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Dated this the 20th December, 2006

J U D G M E N T

Lands belonging to the petitioners were acquired for Pallimon Distributory attached to Kallada Irrigation Project. The petitioners did not make any application for reference. However, in respect of lands acquired under the very same notification and for the same purpose, other persons filed applications for reference. The reference cases are L.A.R.Nos.88/91 and 89/91 of the Sub Court, Kottarakkara. As per Ext. P1 judgment dated 23.06.2004, the reference court disposed of L.A.Rs and enhancement of compensation was granted. The petitioners submitted Exts.P2 (a) to P2(h) applications under section 28A of the Land Acquisition Act .

2. Though time was granted to get instruction, the respondents have not given necessary instruction to the Government Pleader . In the facts and circumstances of the case, there will be a direction to the third

respondent to dispose of Exts, P2(a) to P2(h) applications submitted by the petitioners, in accordance with law, provided the applications were filed within the period of limitation. The 3rd respondent shall afford an opportunity of being heard to the petitioners before taking any decision in the matter.

The Writ Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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